

### REMARKS

Claims 1-9 are pending in Application Serial No. 10/798,708, filed on March 11, 2004. On December 4, 2006, a third Office Action was mailed to Applicant's attorney. In the third Office Action, the Examiner rejected Claims 1, 2 and 4-8. The Examiner objected to Claim 3 and allowed Claim 9.

More particularly, the Examiner rejected Claims 1 and 4-6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,336,527 B1 to Donald Metz ("the Metz '527 Patent") in view of U.S. Patent No. 5,457,838 to Kenneth Gelder, et al ("the Gelder '838 Patent") or U.S. Patent No. 6,431,819 B1 to Norbert Hahn ("the Hahn '819 Patent"). The Examiner rejected Claims 1, 2, and 4-6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,276,496 B1 to Hageman, et al., ("the Hageman '496 Patent") in view of U.S. Patent No. 6,033,174 to James C. Alexander ("the Alexander '174 Patent"). The Examiner rejected Claim 7 under 35 U.S.C. §103(a) as being unpatentable over the Metz '527 Patent in view of the Gelder '838 Patent, as applied to Claim 1, and further in view of U.S. Patent No. 6,805,471 B2 to John Strelnicks ("the Strelnicks '471 Patent"). The Examiner rejected Claim 8 under 35 U.S.C. §103(a) as being unpatentable over the Hageman '496 Patent in view of the Alexander '174 Patent, as applied to Claim 1, and further in view of U.S. Patent No. 5,582,498 to Springer, et al., ("the Springer '498 Patent"). The Examiner objected to Claim 3 under 37 C.F.R. 1.75 as being a duplicate of allowable Claim 9.

Applicant's attorney, David P. Dureska, attended a personal interview with Examiner Brahan at the U.S. Patent and Trademark Office on January 11, 2007. *(A copy of the Interview Summary is attached hereto as Exhibit "A," and incorporated as if fully rewritten herein.)* Applicant's attorneys, Mr. Dureska and Mr. Moore, thank Examiner Brahan for the courtesy

extended to Mr. Dureska during his visit. Applicant has considered the rejections and objections of the Examiner in light of the personal interview and Applicant has amended Claim 1 in accordance with the discussions with the Examiner. More particularly, Applicant has amended Claim 1 to recite that the sensor means located on the chock is selected from a group consisting of an inductive proximity sensor and a capacitive proximity sensor (cancelling the motion detector and the photo-electric sensor), and to further recite that the sensor means detects a steel belt of the tire being chocked. Support for the amendments can be found at least at Page 7, Lines 10-20, and Page 9, Lines 5-8, of the Specification. Applicant has also cancelled Claim 3 to overcome the objection asserted by the Examiner under 37 C.F.R. 1.75 that Claim 3 was a duplicate of allowable Claim 9.

Based upon these amendments and the remarks set forth below, Applicant respectfully submits that Claims 1-2 and 4-9 remaining in the Application are now in condition for allowance.

#### CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

##### Claims 1 and 4-6

The Examiner has rejected Claims 1 and 4-6 under 35 U.S.C. §103(a) as being unpatentable over the Metz '527 Patent in view of the Gelder '838 Patent or the Hahn '819 Patent. Applicant respectfully submits that Claims 1 and 4-6 are not taught or suggested, alone or in combination, by the Metz '527 Patent, the Gelder '838 Patent, or the Hahn '819 Patent.

More specifically, the Examiner stated that the invention described in the Metz '527 Patent shows: "... an apparatus for chocking at least one tire of a vehicle to prevent motion of the vehicle away from a docking bay during loading and unloading, the apparatus including... b)

sensor means (photocell 14) mounted on the chock means (10) for detecting a predetermined selected component of the vehicle ...” Applicant has amended Claim 1, in accordance with the discussions with the Examiner during the personal interview held on January 11, 2007, to cancel the recitation of a photo-electric sensor and a motion detector, and to include a further limitation that the sensor means detects a steel belt of the tire being chocked. Applicant agrees with the Examiner, as set forth in the Interview Summary dated January 11, 2007 (*Exhibit “A”*), that these amendments avoid the art of record, and therefore, newly amended Claim 1 is not suggested or taught, either alone or in combination, by the Metz ‘527 Patent, the Gelder ‘838 Patent, or the Hahn ‘819 Patent.

Based on the foregoing, Applicant respectfully submits that newly amended Claim 1 is now in condition for allowance. Because Claims 4-6 depend directly or indirectly from what is now believed to be allowable Claim 1, they too are in condition for allowance.

#### Claims 1, 2 and 4-6

The Examiner has also rejected Claims 1, 2 and 4-6 under 35 U.S.C. §103(a) as being unpatentable over the Hageman ‘496 Patent in view of the Alexander ‘174 Patent. However, Applicant respectfully submits that Claims 1, 2 and 4-6 are not taught or suggested, alone or combination, by the Hageman ‘496 Patent or the Alexander ‘174 Patent.

More specifically, the Examiner stated that the Hageman ‘496 Patent shows: “...an apparatus for chocking at least one tire of a vehicle to prevent motion of the vehicle away from a docking bay during loading and unloading, the apparatus including .b) sensor means (a proximity sensor; see column 6, lines 54-60) mounted on the chock means (38) for detecting a predetermined selected component of the vehicle ...”. As set forth above, Applicant has

amended Claim 1, in accordance with the discussions with the Examiner during the personal interview held on January 11, 2007, to cancel the recitation of a photo-electric sensor and a motion detector, and to include a further limitation that the sensor means detects a steel belt of the tire being chocked. Applicant agrees with the Examiner, as set forth in the Interview Summary dated January 11, 2007 (*Exhibit "A"*), that these amendments avoid the art of record, and therefore, newly amended Claim 1 is not suggested or taught, either alone or in combination, by the Hageman '496 Patent or the Alexander '174 Patent

Based on the foregoing, Applicant respectfully submits that newly amended Claim 1 is now in condition for allowance. Because Claims 2 and 4-6 depend directly or indirectly from what is now believed to be allowable Claim 1, they too are in condition for allowance.

#### Claims 7 and 8

The Examiner rejected Claim 7 under 35 U.S.C. §103(a) as being unpatentable over the Metz '527 Patent in view of the Gelder '838 Patent, as applied to Claim 1, and further in view of the Strelnieks '471 Patent. The Examiner rejected Claim 8 under 35 U.S.C. §103(a) as being unpatentable over the Hageman '496 Patent in view of the Alexander '174 Patent, as applied to Claim 1, and further in view of the Springer '498 Patent. However, because Claims 7 and 8 depend directly from newly amended Claim 1 which applicant believes is now allowable, it is believed Claims 7 and 8 also are in condition for allowance.

#### OBJECTIONS

The Examiner has objected to Claim 3 under 37 C.F.R. 1.75 as being a duplicate of allowable Claim 9. Applicant agrees with the Examiner and has cancelled Claim 3

Applicant was the first to recognize the advantages of combining an inductive proximity sensor or a capacitive proximity sensor with a chock means, a programmable microcontroller connected to the sensor, and an indicator means electrically connected to the microcontroller, for sensing a steel belt of the tire being chocked for use in a docking bay for loading and unloading a heavy-duty vehicle so that at least an individual performing the loading or unloading is alerted to the condition by the indicator means. By combining the elements as Applicant has, a new and unexpected result has been achieved.

The results produced by Applicant have been long sought after by those skilled in the art, but until Applicant's invention the results have been unobtainable.

In view of the above, Applicant respectfully submits that the Claims remaining in the application now are in condition for allowance and reconsideration of the rejections and objections is respectfully requested

Respectfully submitted,

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